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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/368,549 08/05/99 BEACHEY

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EXAMINER

AM MUESSE, A

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

04/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/368,549

Applicant(s)

BEACHEY ET AL.

Examiner

Abdullahi H. Aw-Musse

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: numerals 38 and 40 (page 5, lines 12, 19, and 25) and numerals 82, 84, and 86 (page 12, lines 16), numerals 54b, 74 and 76 (page 12, lines 16 and 21).  
Correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recite the element "first plenum" in line 4. The element "first plenum" does not have "second plenum" associated therewith, it is not clear for what said first plenum is related.

Claim 1 recites the limitation "the conduit" in line 19. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney et al. (5,969,266) in view of Evers (4,703,661).

Mahoney et al. disclose a pressure sensing probe that teach the claimed invention including a first plenum and a second plenum (figure 2, see numerals 40, 42), an impact surface to a first pressure port (col. 3, lines 36-45), and a second plenum is being shaped to include a longitudinally extending rip portion coupled to the first plenum (figures 7-9). Mahoney et al. further teach a first plenum having a width and the impact surface being shaped to create a localized region of relatively high pressure across substantially the entire plenum width (col. 4, lines 8-29; and means for sensing impact fluid pressure through an aperture (col. 3, lines 39-60).

Mahoney et al. do not clearly teach a second non-impact surface having at least one non-impact aperture. Evers discloses a differential pressure flow probe that teaches a static pressure of a fluid flow being sensed through a probe aperture 16 while within a stagnation tube 2 and the pipe segment 7 the dynamic pressure of the fluid flow is prevailing (col. 4, lines 45-65). Since the teaching of Mahoney et al. and Evers are from same field of endeavor, the purpose disclosed by Evers would have been recognized in the pertinent art of Mahoney et al.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mahoney et al. to include the teaching of Evers for the purpose of measuring pressure differences.

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Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney et al. in view of Frick et al. (6,089,097).

Mahoney et al. do not clearly teach a process pressure transmitter. Frick et al. discloses a pressure sensor that teach a transmitter in a process control transmitting a pressure over a process control loop (see abstract). Since the teaching of Mahoney et al. and Frick et al. are from same field of endeavor, the purpose disclosed by Frick et al. would have been recognized in the pertinent art of Mahoney et al.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mahoney et al. to include the teaching of Frick et al. for the purpose of transmitting the measured pressure signals.


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aw-Musse, Abdullahi whose telephone number is (703) 308-1413. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben. Fuller, can be reached on (703) 308-0079.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Abdullahi Aw-Musse  
April 2, 2001

  
Benjamin B. Fuller  
Supervisor, Art Unit 2855  
Telephone: (703) 308-0079